

152

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/870,023
	Filing Date	May 30, 2001
	First Named Inventor	Charles L. Branch et al.
	Art Unit	3733
	Examiner Name	Pedro Philogene
Total Number of Pages in This Submission	Attorney Docket Number	MSDI-213/PC365.05

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	April 7, 2008	Reg. No.	45,431

CERTIFICATE OF TRANSMISSION/MAILING			
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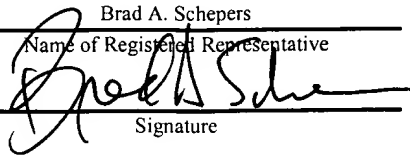
In re patent application of:	)	Before the Examiner:
Charles L. Branch et al.	)	Pedro Philogene
	)	
Application Serial No.: 09/870,023	)	Group Art Unit: 3733
	)	
Filed: May 30, 2001	)	Ref. No.: MSDI-213/ PC365.05
	)	
INTERBODY FUSION GRAFTS	)	April 7, 2008
AND INSTRUMENTATION	)	

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
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Sir:

In response to the non-final Office Action dated January 11, 2008, please enter and consider the following remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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### **INTRODUCTORY COMMENTS**

Claims 63-65, 67, 69-89, 91, 92 and 94-104 were pending in the subject application for the non-final Office Action mailed on January 11, 2008. Each of the pending claims has been rejected on various grounds. In view of the following remarks, reconsideration and allowance of the subject application are hereby requested.